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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,341	02/23/2004	Michael S. Beck	2063.007400/VS-00647	2359
23720	7590	10/24/2007		
WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			EXAMINER NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	
			MAIL DATE	DELIVERY MODE
			10/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,341	Applicant(s) BECK ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,14,20,38 and 46 is/are rejected.
- 7) ☒ Claim(s) 2-13,15-19,21-37,39-45 and 47-53 is/are objected to.
- 8) ☒ Claim(s) 1-53 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the "AMENDMENT TO THE CLAIMS" received on 8/06/2007, which paper has been placed of record in the file.

2. Claims 1-53 are pending in this application.

Response

3. The examiner maintains his rejections under 35 U.S.C. 112, second paragraph for claims 1-2. A reason why claim 1 is very broad because the disclosure essentially point out this is an unmanned ground vehicle (see a disclose of priority paper, U.S. Provisional Application Ser. No. 60/449,271, entitled "Unmanned Ground Vehicle," filed Feb. 21, 2003); however, the applicants broadly claim a general vehicle making examiner's interpreting claimed limitations very obvious, accordingly. The examiner confirms that because the pending claims are too broad, a serious burden clearly present to the examiner from current state of the art in the vehicle field.

Claim Rejections - 35 USC § 112

4. Claims 1, 14, 20, 38, and 46 are rejected under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 46 lacks a preamble and a clear statement of intended use (see claim 46, line 1). An intended use clause in the preamble of an apparatus claim has the effect of a distinguishing limitation together with the body of the claim sets forth structure which refers back to, is defined by, or otherwise draws life and breadth from the preamble. See In re Casey, 152 USPQ 235 (CCPA 1967); Kropa v. Robie, 88 USPQ 478 (CCPA 1951). Thus, a preamble is defined the effect of a limitation where the claim is drawn to a

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structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. See *Kropa v. Robie*, supra at 480. See also *Ex parte Mott*, 190 USPQ 311, 313 (PTO Bd. Of App. 1975). According to the very vague introduction in claim 46, and insufficient information in preamble portion of claims 1, 14, 20, and 38, the examiner considers there is no sufficient preamble in these claims (note that applicants assert that the amendment (8/06/2007) do not narrow the scope of the claims - see the REMARK, page 10 of 19, line 9).

Claim Rejections - 35 USC § 112

5. Claims 1, 5, 14, 38, and 46 are rejected under 35 U.S.C. 112, second paragraph, as being vague for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention.

a. Claim 1 teaches a limitation of “determining at least one dynamic property of the vehicle” – it is unclear about that “broad” characteristic of a vehicle – a definition for this “dynamic property” is requested.

b. Claims 38, and 46 recite a limitation of “a plurality of sensor for sensing a state of the vehicle” this limitation is vague because “a state of the vehicle” should be defined to know what means would be used for this measurement – a definition for this term is requested (currently, there are many ways to interpret “a state of the vehicle”, such as: a state of parking but engine is still running (idle), and a state of parking and engine is not running (an unmoved vehicle). etc.

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c. Claim 14 is rejected on 35 USC 112, 2nd para. since it contains a vague limitation of “determine a damping scenario”; the examiner fails to see how to determine a damping scenario as claimed by the applicants.

6. Claims 3-13, 15-19, 21-37, 39-45, and 47-53 are objected because of dependencies from their rejected parent claims.

7. The examiner also respectfully submits that there is a restriction on patentably distinct species, as shown below:

Election/Restrictions

8. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I: Claims 1-19 are directed to broad steps to control stability of a vehicle, with US classification 280/5.5.

Group II: Claims 20-45 are directed to a method/system to control a vehicle’s stability, with US classification 701/37 (e.g., a suspension control).

Group III: Claims 46-53 are directed to a vehicle having sensors, and a controller to control a vehicle’s stability, with US classification 701/48 (e.g., cooperative or multiple controls).

Although pending claims are related for controlling a vehicle’s stability; above three different groups of claims clearly represent different inventions: Group I recites steps to perform a procedure including manipulating/adjusting a vehicle’s suspension; Group II teaches about changing a vehicle’s center of gravity, and a vehicle’s stability limits to achieve a stability; and Group III claims a vehicle with combination of limitations of group II; in addition they are defined by different US classifications.

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Applicants are advised that a reply to this requirement must include an identification of the group that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicants must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG NGUYEN
PRIMARY EXAMINER